

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT*A Tradition of Service*

DATE: March 27, 2009

OFFICE CORRESPONDENCE

FILE NO. SH2198436

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:
DEPUTY ANDREW TOONE # [REDACTED]
DEPUTY [REDACTED] # [REDACTED]
COMPTON STATION

On July 5, 2007, at about 1055 hours, Deputies Andrew Toone and [REDACTED] shot a 17-year-old male, Subject [REDACTED] after he pointed a handgun at them.

Deputies Toone and [REDACTED] saw [REDACTED] walking east. Subject [REDACTED] looked toward the deputies, grabbed his waistband, and he began walking faster, trying to elude the deputies. Believing the subject may be concealing a weapon or narcotics, they decided to contact Subject [REDACTED]

Deputy [REDACTED] exited the passenger side of the marked patrol car and ordered Subject [REDACTED] to stop. The subject turned quickly away from the deputies. As Deputy [REDACTED] continued after the subject, he saw Subject [REDACTED] lift his shirt, revealing the butt of a firearm tucked in his waistband. Deputy [REDACTED] immediately yelled to Deputy Toone that the subject was armed.

Subject [REDACTED] continued to run away from the deputies, westbound, into the middle of 148th Street, with Deputy [REDACTED] following behind. At this time, Deputy Toone could see Subject [REDACTED] rounding the west side of the motor home directly in front of him.

As Subject [REDACTED] continued running, he turned his upper body toward Deputy Toone, raising his firearm directly at the deputy. Fearing for their lives, both deputies fired their firearms at the subject, striking him once in the back of the left thigh. The subject tried running from the deputies, but he collapsed approximately 10 yards away and dropped the firearm. The deputies safely approached the subject and handcuffed him, awaiting the arrival of paramedics and assisting deputies.

Subject [REDACTED] was medically treated at Harbor-UCLA Medical Center for a single gunshot wound to the left thigh.

The subject's weapon, a 4-inch, .38 caliber Smith & Wesson revolver was recovered from the scene. Five expended 9mm shell casings were also recovered from the scene.

On March 12, 2009, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Andrew Toone # [REDACTED] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy [REDACTED] # [REDACTED] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.



Eric B. Smith, Commander

EBS:Ylw:ylw

Los Angeles County Sheriff's Department

Officer Involved Shooting

Page 1 of 5

Report Date: 07-05-07		Bureau/Station/Facility: Compton Station		Admin. Invest? <input type="checkbox"/>		Hit? <input checked="" type="checkbox"/>	
Incident Information							
URN: 007-11239-2872-055		Date: 07-05-07		Time: 1055 hours			
City or Station: Compton Station		Nature of Incident: SJ [REDACTED] was walking eastbound 148th Street carrying a handgun. When Deputies attempted to apprehend SJ, he turned facing Deputies pointing a handgun at them. Fearing for their lives, each deputy fired at the SJ.					
Location: [REDACTED] S. Keene Avenue, Compton 90220							
Location Type (circle one or more): Backyard Beach Business Freeway Industrial Park Parking Lot Residence Rural School <u>Street</u> Other: _____		Lighting (circle only one): Darkness <u>Daylight</u> Other Street Lights Weather (circle only one): <u>Clear</u> Cloudy Fog Rain Distance: _____		Incident Type (circle one or more): Accidental <u>Armed Person</u> Fleeing Suspect Foot Pursuit Gun Take Away Moving Vehicle Sniper/Ambush Startle Struggle Involved Traffic Stop Unarmed Person Unintentional Vehicle Pursuit Warrant Service Warning Shot Other: _____		Initiated by (circle only one): Arrest Warrant Call <u>Observation</u> One Person Unit Other Search Warrant Two Person Unit Prior Activity (circle only one): Detective Inmate Transport Other <u>Routine Patrol</u>	
Total # of Shots Fired by Deputy 5		Total # of Shots Fired by Suspect 0		Aero Unit? <input type="checkbox"/>		Canine Unit? <input type="checkbox"/>	
Employee Witnesses							
Employee #	Last Name	First Name	M.I.	Shift Time (circle only one): EM PM <u>Day</u>		Shift Type (circle only one): <u>Regular</u> Overtime Off Duty	
[REDACTED]	Toone	Andrew					
Employee #	Last Name	First Name	M.I.	Shift Time (circle only one):		Shift Type (circle only one):	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]				
Employee #	Last Name	First Name	M.I.	Shift Time (circle only one):		Shift Type (circle only one):	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]				
Non-Employee Witnesses							
Last Name		First Name		M.I.			
[REDACTED]		[REDACTED]		[REDACTED]			
Street Address		City		Zip Code		Work Ph Home Ph	
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
Last Name		First Name		M.I.			
[REDACTED]		[REDACTED]		[REDACTED]			
Street Address		City		Zip Code		Work Ph Home Ph	
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
Last Name		First Name		M.I.			
[REDACTED]		[REDACTED]		[REDACTED]			
Street Address		City		Zip Code		Work Ph Home Ph	
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
Supervisors							
Employee #	Last Name	First Name	M.I.	(circle one or more): <u>On Duty</u> Present during shooting		Witness to shooting Involved in shooting	
[REDACTED]	Moffett	Mark					
Employee #	Last Name	First Name	M.I.	(circle one or more): <u>On Duty</u> Present during shooting		Witness to shooting Involved in shooting	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]				
Watch Sergeant							
Employee #	Last Name	First Name	M.I.				
[REDACTED]	Miller	Ralph					
Watch Commander							
Employee #	Last Name	First Name	M.I.				
[REDACTED]	Regalado	Raul					

PSTD Use Only	
SH #	2198436

URN: 007-11239-2872-055

Page 2 of 5

Rollout Information							
Arrival Date	07-05-07	Arrival Time	1300	Date Submitted	11-24-08	Date of Recommendation	
Employee #		Last Name	Taylor	First Name	Rossanna		M.I
Employee #		Last Name	Baird	First Name	Marshall		M.I
Employee #		Last Name		First Name			M.I

Shooting / Force Information

Method

(AW)	Arwen	(OV)	Other Weapon: Vehicle
(BC)	Baton: (Control)	(OB)	Other Weapon: Blunt Object
(BI)	Baton: (Impact)	(OO)	Other Weapon: Other
(BF)	Bodily Fluids	(PK)	Personal Weapon: Feet/Leg: (Kick)
(CN)	Canine	(PS)	Personal Weapon: Feet/Leg: (Sweep)
(CR)	Carotid Restraint	(PH)	Personal Weapon (Hand/Arm)
(CH)	Choke Hold	(PP)	Personal Weapon (Push)
(CT)	Control Holds: (Control Techniques)	(PO)	Personal Weapon (Other)
(TT)	Control Holds: (Team Takedown)	(RS)	Resistance
(TD)	Control Holds: (Takedown)	(CN)	Restraint Device: (Capture Net)
(CE)	Chemical	(RH)	Restraint Device: (Handcuffs)
(OC)	Chemical Agents: (OC Spray)	(HB)	Restraint Device: Hobbles (Legs Only)
(TG)	Chemical Agents: (Tear Gas)	(TP)	Restraint Device: Hobbles (TARP)
(EX)	Explosives	(RE)	Restraint Device: REACT Ball
(FH)	Firearm: (Handgun)	(SP)	Sap
(FR)	Firearm: (Rifle)	(SH)	Shield
(FS)	Firearm: (Shotgun)	(SG)	37mm Stinger
(FO)	Firearm: (Other)	(SB)	Sting Ball
(FB)	Flashbang	(ST)	Stun Bag
(FL)	Flashlight	(TR)	Taser
(OE)	Other Weapon: Edged	(UC)	Uncooperative

Type of Injury

(AB)	Abrasion
(BR)	Bruise
(BU)	Burn
(CP)	Complaint of Pain
(CO)	Concussion
(DH)	Death
(DI)	Dislocation
(DB)	Dog Bite
(FR)	Fractures
(GS)	Gunshot
(HB)	Human Bite
(LC)	Lacerations
(ND)	Nerve Damage
(OD)	Organ Damage
(PA)	Paralysis
(PW)	Puncture Wound
(SD)	Soft Tissue Damage
(ST)	Sprain/Twists
(UN)	Unconscious
(RM)	Refused Med Treatment
(NN)	NONE

Body Part Injured

(AD)	Abdomen
(AK)	Ankle
(AR)	Arm
(BK)	Back
(BT)	Buttocks
(CH)	Chest
(EL)	Elbow
(FA)	Face
(FE)	Feet
(FI)	Fingers
(GE)	Genitals
(GR)	Groin
(HD)	Hand
(HE)	Head
(HI)	Hip
(IN)	Internal
(KN)	Knees
(LE)	Leg
(NK)	Neck
(SH)	Shoulder
(WR)	Wrist

Caliber

(9)	8 mm	(24)	243 caliber	(41)	.410 gauge
(10)	10 mm	(25)	.25 caliber	(44)	.44 caliber
(12)	12 gauge	(30)	.308 caliber	(45)	.45 caliber
(20)	20 gauge	(35)	.357 caliber	(50)	50 mm
(21)	.22-250	(36)	30-80 caliber	(SL)	Slug
(22)	.22 caliber	(38)	.38 caliber	(WWW)	Other caliber
(23)	.223 caliber	(40)	.40 caliber		

Brand

(AK)	AK-47	(IV)	Iver Johnson	(RI)	RGI
(BN)	Benelli	(JE)	Jennings	(RO)	Rossal
(BR)	Beretta	(LO)	Lorcin	(SW)	Smith & Wesson
(BW)	Browning	(LU)	Luger	(SR)	S&W Ruger
(CH)	Charter Arms	(MA)	Marlin	(ST)	Sterling
(CO)	Colt	(MO)	Mossberg	(TA)	Taurus
(DA)	Davis Industries	(NC)	NCI aka SKS	(WE)	Weatherby
(GL)	Glock	(NA)	North American	(WN)	Winchester
(HA)	Harrington & Richardson	(NO)	Norinco	(US)	US Government
(HI)	Hi Standard	(RA)	Raven	(YY)	Handmade (Inmate)
(HK)	H & K	(RM)	Remington	(XX)	Homemade (Non-Inmate)
(IT)	Ithica	(RG)	RG	(ZZ)	Other Brand

FORCE APPLIED (one code per block)

[illegible]

Officer Involved Shooting Involved Employee Information

URN: 007-11239-2872-055

Page 3 of 5

Involved Employee										
E 1	Employee #		Last Name			First Name		M.I.		
			Toone			Andrew		M		
	Sex:	Race:	Rank	Unit Assignment:		Work Assignment (Unit #, Module, etc.):				
	M	H	Deputy Sheriff	Compton Station		287ADays				
	ShiftTime (circle only one):		ShiftType (circle only one):		Intoxication/Drug Usage?		Substance Used:			
	EM PM Day		Regular Overtime Off Duty		<input type="checkbox"/>					
	Hospital Admission?		Hospital Name:		Coroner Case?		Coroner Case #		Interviewed?	
	<input type="checkbox"/>				<input type="checkbox"/>				<input checked="" type="checkbox"/>	
	Hrs of sleep prior to shooting:		Duty Time (hrs):	Clothing (circle only one):			Other Factors:			
				Plain Clothes no Vest Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest <u>Uniform w/ Vest</u>						
Age:	Height:	Weight:		Range Qualification Date:		PPC Qualification Date:		Laser Training Date:		
		6-0 200								
Certified with Weapon Used?		Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:	Directed Force:				
<input type="checkbox"/>				<input checked="" type="checkbox"/>	1					
Weapons Fired Brand:		Caliber	# Shots	Weapons Fired Brand:		Caliber	# Shots			
Bereita		9mm	4	Bereita		9mm	4			
Field Training Officer Emp #		Last Name			First Name		M.I.			
Field Training Officer Emp #		Last Name			First Name		M.I.			
E 2	Employee #		Last Name			First Name		M.I.		
	Sex:	Race:	Rank	Unit Assignment:		Work Assignment (Unit #, Module, etc.):				
	ShiftTime (circle only one):		ShiftType (circle only one):		Intoxication/Drug Usage?		Substance Used:			
					<input type="checkbox"/>					
	Hospital Admission?		Hospital Name:		Coroner Case?		Coroner Case #		Interviewed?	
	<input type="checkbox"/>				<input type="checkbox"/>				<input type="checkbox"/>	
	Hrs of sleep prior to shooting:		Duty Time (hrs):	Clothing (circle only one):			Other Factors:			
				Plain Clothes no Vest Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest <u>Uniform w/ Vest</u>						
Age:	Height:	Weight:		Range Qualification Date:		PPC Qualification Date:		Laser Training Date:		
Certified with Weapon Used?		Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:	Directed Force:				
<input type="checkbox"/>										
Weapons Fired Brand:		Caliber	# Shots	Weapons Fired Brand:		Caliber	# Shots			
Bereita		9mm	1	Bereita						
Field Training Officer Emp #		Last Name			First Name		M.I.			
Field Training Officer Emp #		Last Name			First Name		M.I.			
E	Employee #		Last Name			First Name		M.I.		
	Sex:	Race:	Rank	Unit Assignment:		Work Assignment (Unit #, Module, etc.):				
	ShiftTime (circle only one):		ShiftType (circle only one):		Intoxication/Drug Usage?		Substance Used:			
	EM PM Day		Regular Overtime Off Duty		<input type="checkbox"/>					
	Hospital Admission?		Hospital Name:		Coroner Case?		Coroner Case #		Interviewed?	
	<input type="checkbox"/>				<input type="checkbox"/>				<input type="checkbox"/>	
	Hrs of sleep prior to shooting:		Duty Time (hrs):	Clothing (circle only one):			Other Factors:			
				Plain Clothes no Vest Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest Uniform w/ Vest						
Age:	Height:	Weight:		Range Qualification Date:		PPC Qualification Date:		Laser Training Date:		
Certified with Weapon Used?		Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:	Directed Force:				
<input type="checkbox"/>		<input type="checkbox"/>								
Weapons Fired Brand:		Caliber	# Shots	Weapons Fired Brand:		Caliber	# Shots			
Field Training Officer Emp #		Last Name			First Name		M.I.			
Field Training Officer Emp #		Last Name			First Name		M.I.			

Officer Involved Shooting Suspect Information

URN: 007-11239-2872-055

Page 4 of 5

Suspect Information

S 1	Last Name			First Name			M.I.				
	AKA Last Name			First Name			M.I.				
Sex: M		Race: Blk		Street Address:			City		State & Zip Code:		
Work Phone:		Home Phone:		Social Security #:			Driver's License #:				
Age: 17		D.O.B.		Height: 602		Weight: 175		FBI #		CII #	
Booking #		Primary Charge: 245(C) P.C.			Secondary Charge: 417(C) P.C.						
Coroner Case? <input type="checkbox"/>		Coroner Case #			Intoxication/Drug Usage? <input type="checkbox"/>			Substance Used:			
Armed? <input checked="" type="checkbox"/>		Apprehended? <input checked="" type="checkbox"/>			Mental Illness? <input type="checkbox"/>			Criminal History? <input type="checkbox"/>			
Vehicle Make				Model:				Year:			
N/A											
S	Last Name			First Name			M.I.				
	AKA Last Name			First Name			M.I.				
Sex:		Race:		Street Address:			City		State & Zip Code:		
Work Phone:		Home Phone:		Social Security #:			Driver's License #:				
Age:		D.O.B.		Height:		Weight:		FBI #		CII #	
Booking #		Primary Charge:			Secondary Charge:						
Coroner Case? <input type="checkbox"/>		Coroner Case #			Intoxication/Drug Usage? <input type="checkbox"/>			Substance Used:			
Armed? <input type="checkbox"/>		Apprehended? <input type="checkbox"/>			Mental Illness? <input type="checkbox"/>			Criminal History? <input type="checkbox"/>			
Vehicle Make				Model:				Year:			
S	Last Name			First Name			M.I.				
	AKA Last Name			First Name			M.I.				
Sex:		Race:		Street Address:			City		State & Zip Code:		
Work Phone:		Home Phone:		Social Security #:			Driver's License #:				
Age:		D.O.B.		Height:		Weight:		FBI #		CII #	
Booking #		Primary Charge:			Secondary Charge:						
Coroner Case? <input type="checkbox"/>		Coroner Case #			Intoxication/Drug Usage? <input type="checkbox"/>			Substance Used:			
Armed? <input type="checkbox"/>		Apprehended? <input type="checkbox"/>			Mental Illness? <input type="checkbox"/>			Criminal History? <input type="checkbox"/>			
Vehicle Make				Model:				Year:			
S	Last Name			First Name			M.I.				
	AKA Last Name			First Name			M.I.				
Sex:		Race:		Street Address:			City		State & Zip Code:		
Work Phone:		Home Phone:		Social Security #:			Driver's License #:				
Age:		D.O.B.		Height:		Weight:		FBI #		CII #	
Booking #		Primary Charge:			Secondary Charge:						
Coroner Case? <input type="checkbox"/>		Coroner Case #			Intoxication/Drug Usage? <input type="checkbox"/>			Substance Used:			
Armed? <input type="checkbox"/>		Apprehended? <input type="checkbox"/>			Mental Illness? <input type="checkbox"/>			Criminal History? <input type="checkbox"/>			
Vehicle Make				Model:				Year:			
S	Last Name			First Name			M.I.				
	AKA Last Name			First Name			M.I.				
Sex:		Race:		Street Address:			City		State & Zip Code:		
Work Phone:		Home Phone:		Social Security #:			Driver's License #:				
Age:		D.O.B.		Height:		Weight:		FBI #		CII #	
Booking #		Primary Charge:			Secondary Charge:						
Coroner Case? <input type="checkbox"/>		Coroner Case #			Intoxication/Drug Usage? <input type="checkbox"/>			Substance Used:			
Armed? <input type="checkbox"/>		Apprehended? <input type="checkbox"/>			Mental Illness? <input type="checkbox"/>			Criminal History? <input type="checkbox"/>			
Vehicle Make				Model:				Year:			

Los Angeles County Sheriff's Department

Page 5 of 5

Non-Employee Witnesses					
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		Zip Code		Work Ph	Home Ph

TABLE OF CONTENTS
SH2198436

SUPERVISOR'S REPORT, OFFICER INVOLVED SHOOTING

INVESTIGATOR'S ACTIVITY LOG

TABLE OF CONTENTS

INVESTIGATIVE SUMMARY

TRANSCRIBED INTERVIEWS

- ♦ Interview of Deputy [REDACTED] by Homicide Detectives
- ♦ IAB Interview of Deputy [REDACTED] with Crime Scene Sketch
- ♦ Interview of Deputy Toone by Homicide Detectives
- ♦ IAB Interview of Deputy Toone with Crime Scene Sketch
- ♦ Interview of [REDACTED] by Homicide Detectives
- ♦ Interview of [REDACTED] by Homicide Detectives
- ♦ Interview of [REDACTED] by Homicide Detectives
- ♦ Interview of [REDACTED] by Homicide Detectives
- ♦ Interview of [REDACTED] by Homicide Detectives
- ♦ Interview of [REDACTED] by Homicide Detectives
- ♦ Interview of [REDACTED] by Homicide Detectives
- ♦ Interview of Subject [REDACTED]

EXHIBITS

A- Homicide Bureau Investigative Book Under Urn #007-11239-2872-055

MISCELLANEOUS DOCUMENTS

Administrative Rights Form with sketch of Deputy Involved Shooting Scene which Deputies referenced during interview

Copy of In Service for July 5, 2007, Day Shift

Print outs of Training Records System's Data for Deputies Toone and [REDACTED]



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE MAURIZI • Director

April 7, 2008

Captain James Curtis
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. # 07-0424
L.A.S.D. # 007-11239-2872-055

Dear Captain Curtis:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 5, 2007, non-fatal shooting of [REDACTED] by Deputies Andrew Toone and [REDACTED] of the Los Angeles County Sheriff's Department (LASD). We find that Deputies Toone and [REDACTED] acted lawfully in self-defense and defense of another.

The following analysis is based upon the reports submitted to this office on October 10, 2007, by Detective Frank Salerno Jr. of the LASD, Homicide Bureau. The District Attorney's Command Center was notified of this incident at 12:10 p.m. on July 5, 2007. The District Attorney Response Team, consisting of Deputy District Attorney Christian Gullon and Senior Investigator [REDACTED] was notified by the Command Center and responded immediately to the scene. They were given a briefing and a "walk-through" of the scene by investigators. Deputies Toone and [REDACTED] gave voluntary statements which were reviewed and considered in our analysis.

FACTUAL ANALYSIS

On July 5, 2007 at approximately 11:00 a.m., Deputies Andrew Toone and [REDACTED] were assigned to the LASD Compton Station. They were in a marked patrol car driving east

bound on 148th Street at Keene Avenue when they saw [REDACTED] on the sidewalk. As they approached [REDACTED] made eye contact, reached for his waistband, and quickly ducked behind a large motor home parked along the north side of 148th Street. Deputy Toone drove the patrol car into the side yard of the home in an attempt to locate [REDACTED]. Deputy [REDACTED] exited the patrol car and approached the rear of the motor home. [REDACTED] saw [REDACTED] removing a black handgun from his waistband. [REDACTED] alerted Deputy Toone of the weapon and ordered [REDACTED] to "drop it." [REDACTED] refused to comply and instead tried to evade the deputies by running around the motor home. They gave chase ordering [REDACTED] to drop the weapon. [REDACTED] turned and pointed the gun at both deputies. Fearing for his safety, and that of his partner, [REDACTED] fired his service weapon one time at [REDACTED]. Simultaneously, Deputy Toone, also fearing for his life and the life of his partner, fired his service weapon four times. [REDACTED] ran a few steps further and then fell to the pavement on the south side of the street. [REDACTED] was struck once in his left leg. A loaded .38 caliber revolver was located along the gutter near [REDACTED].

[REDACTED] lives at the above mentioned [REDACTED]. He related that he was in the bathroom of his home when he heard a commotion outside. He looked out the bathroom window which [REDACTED] the [REDACTED] and saw two deputies and the police car. [REDACTED] saw [REDACTED] run from the deputies, turn back towards them, raise his right arm and point a gun at them. He then heard approximately four gunshots.

[REDACTED] told investigators that he did have a gun in his possession that morning. He ran behind the motor home to rid himself of the gun, but was unable to do so before the deputies confronted him. [REDACTED] stated that he ran away from the deputies while pointing the gun towards the ground. [REDACTED] denied ever pointing the gun towards the deputies.

CONCLUSION

According to the law in California, the use of deadly force in self-defense or in the defense of others is justifiable if the person claiming the right to use self-defense actually and reasonably believed (1) that he or she or the person who he or she was defending was in imminent danger of death or great bodily injury, and (2) that it was necessary under the circumstances to use deadly force to avoid such imminent death or great bodily injury. *California Jury Instructions - Criminal 5.12 et. seq.*

The evidence examined in this investigation shows that [REDACTED] was in possession of a handgun and pointed it at Deputies Toone and [REDACTED]. [REDACTED] actions placed Toone and [REDACTED] in reasonable fear of death or great bodily injury. We find that the deputies'


Captain Curtis
April 7, 2008
Page 3 of 3

response with deadly force was in lawful self-defense and defense of another. Therefore, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By



CHRISTIAN GULLON
Deputy District Attorney
(213) 974-3880

c: Deputy Andrew Toone, # [REDACTED]
Deputy [REDACTED] # [REDACTED]